

Juanita R. Brooks, SBN 75934, brooks@fr.com
Todd G. Miller, SBN 163200, miller@fr.com
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Additional counsel listed on following page

Attorneys for Plaintiffs/Counterclaim Defendants
Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc

Michael J. Abernathy (*admitted pro hac vice*) mabernathy@bellboyd.com
Alan L. Barry (*admitted pro hac vice*) abarry@bellboyd.com
Thomas L. Gemmell (*admitted pro hac vice*) tgemmell@bellboyd.com
Sanjay K. Murthy (*admitted pro hac vice*) smurthy@bellboyd.com
Bell, Boyd & Lloyd LLC
70 West Madison Street, Suite 3100
Chicago, IL 60602
Telephone: (312) 372-1121
Facsimile: (312) 827-8000

Additional counsel listed on following page

Attorneys for Defendants and Counterclaimants
Baxter International Inc. and Baxter Healthcare Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FRESENIUS MEDICAL CARE HOLDINGS,
INC., a New York corporation; and FRESENIUS
USA, INC., a Massachusetts corporation,

Plaintiffs and Counter-
Defendants,

v.

BAXTER INTERNATIONAL, INC., a Delaware
corporation; and BAXTER HEALTHCARE
CORPORATION, a Delaware corporation,

Defendants and Counter-Plaintiffs.

Case No. C 03-01431 SBA (EDL)

**JOINT STIPULATION AND ORDER
REGARDING MANDATORY
SETTLEMENT CONFERENCE**

Pretrial Conference Date: June 13, 2006
Judge: Hon. Sandra Brown Armstrong
Courtroom: Courtroom 3, Third Floor

Additional Counsel Continued from previous page:

Mathias W. Samuel, *pro hac vice*, samuel@fr.com
Thomas S. McClenahan, SBN 203204, mcclenahan@fr.com
Fish & Richardson P.C.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

Robert A. Van Nest, SBN 84065, rav@kvn.com
Stuart L. Gasner, SBN 164675, slg@kvn.com
David J. Silbert, SBN 173128, djs@kvn.com
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

Limin Zheng, SBN 226875, zheng@fr.com
S. Kameron Parvin, SBN 232349, parvin@fr.com
Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94053
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

Attorneys for Plaintiffs/Counterclaim Defendants
Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc.

Daniel J. Furniss, SBN 73531, djfurniss@townsend.com
Townsend and Townsend and Crew LLP
379 Lytton Avenue
Palo Alto, CA 94301
Telephone: (650) 326-2400
Facsimile: (650) 326-2422

Patrick J. Kelleher (*admitted pro hac vice*) pkelleher@gcd.com
GARDNER CARTON & DOUGLAS LLP
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606
Telephone: (312) 569-1000
Facsimile: (312) 569-3000

Joseph P. Reagen (*admitted pro hac vice*) joseph_reagen@baxter.com
BAXTER HEALTHCARE CORPORATION
One Baxter Parkway
Deerfield, Illinois 60015

Attorneys for Defendants and Counterclaimants
Baxter International Inc. and Baxter Healthcare Corporation

Whereas Plaintiffs FRESENIUS MEDICAL CARE HOLDINGS, INC. and FRESENIUS USA, INC. (collectively “Fresenius”) and Defendants BAXTER INTERNATIONAL INC., and BAXTER HEALTHCARE CORPORATION (collectively “Baxter”) (Fresenius and Baxter shall be collectively referred to as the “Parties”) seek to conduct a meaningful settlement conference, the Parties, having met and conferred, and upon determining that good cause exists for the foregoing, hereby STIPULATE as follows:

(a) The Parties have agreed to modify the date to participate in a mandatory settlement conference until after the hearing currently scheduled for May 16, 2006 regarding the pending motions before the Court. The Parties agree as follows:

Event	Current Deadline	Proposed Deadline
Mandatory Settlement Conference	April 17, 2006 to May 5, 2006	May 16, 2006 to June 12, 2006 (1 day prior to pretrial conference)

(b) The Parties have agreed to hold the mandatory settlement conference at a mutually agreeable location with business and legal representatives with the appropriate authority in attendance.

SO STIPULATED:

Dated: May 8, 2006

BELL, BOYD & LLOYD LLC

By: s/Michael J. Abernathy
Michael J. Abernathy

Attorneys for Defendants/Counterclaimants
BAXTER INTERNATIONAL, INC. AND
BAXTER HEALTHCARE CORPORATION

1 Dated: May 8, 2006

FISH & RICHARDSON P.C.


2
3 By: s/Thomas S. McClenahan

Thomas S. McClenahan

4 Attorneys for Plaintiffs/Counterdefendants
5 FRESENIUS MEDICAL CARE HOLDINGS,
6 INC. AND FRESENIUS USA, INC.

7 **SO ORDERED:**

8
9 Dated: 5/8/06 _____


Hon. Sandra B. Armstrong
United States District Judge

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of
2 perjury that concurrence in the filing of this document has been obtained from Thomas S.
3 McClenahan.

4 Dated: May 5, 2006

BELL, BOYD & LLOYD LLC

6 By: s/Adam L. Marchuk

7 Adam L. Marchuk

8 Attorneys for Defendants

9 BAXTER INTERNATIONAL INC., and

10 BAXTER HEALTHCARE CORPORATION
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28